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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE


08 MARVIN D. WALKER,) CASE NO.: C08-1076-RAJ
09)
Petitioner,)
10)
v.) ORDER DISMISSING
11) § 2254 PETITION
RON VAN BOENING,)
12)
Respondent.)
_____)
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14 The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to
15 28 U.S.C. § 2254, respondent's motion to dismiss, petitioner's response, the Report and
16 Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any
17 objections thereto, and the balance of the record, does hereby find and ORDER:

- 18 (1) The Court adopts the Report and Recommendation;
19 (2) Respondent's motion to dismiss (Dkt. No. 9) is GRANTED;
20 (3) Petitioner's § 2254 petition (Dkt. No. 4) and this action are DISMISSED as
21 untimely; and
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01 (4) The Clerk is directed to send a copy of this Order to petitioner, to counsel for
02 respondent, and to Judge Theiler.

03 DATED this 15th day of December, 2008.

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06 The Honorable Richard A. Jones
07 United States District Judge
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